

# Endangered Species Act

The purpose of the federal Endangered Species Act (ESA) is to conserve the ecosystems upon which endangered and threatened species depend and to conserve and recover listed species. Listed species can be either "threatened" or "endangered". All species of plants and animals, except pest insects, are eligible for listing as threatened or endangered.

- Threatened – means a species is likely to become endangered within the foreseeable future.
- Endangered – means the species is in danger of extinction throughout all or a significant portion of its range.



## Section 7 Consultation

If an action or project is proposed that may impact endangered species, FEMA must begin a three-step process called a section 7 consultation. Steps 1 and 2 are called an informal consultation. FEMA will contact OES if a section 7 consultation is required for a project they are funding and the local agency, will in turn, be notified.

- ☑ Step 1-Initial Review of Project Area/Actions - FEMA asks US Fish and Wildlife (FWS) and/or the National Marine Fisheries Service (NMFS) if any endangered species may be present in the project area. FWS and NMFS must respond within 30 days.
- ☑ Step 2-FWS Requests Additional Information - FEMA must respond to FWS and NMFS requests for additional information. FWS and NMFS may request a biological assessment (BA). The BA is used to help determine whether the proposed action is "likely to adversely affect" a listed species and critical habitat.
- ☑ Step 3-Formal Consultation - If the project may affect threatened or endangered species then a formal consultation must be initiated. FEMA will send a written request to FWS to initiate formal consultation. When formal consultation is completed, FWS will issue a biological opinion (BO), which will often include species impact mitigation. The mitigation measures must be followed in carrying out the project. The section 7 formal consultation process is mandated to last no more than 90 days with an additional 45 days for NMFS and FWS to prepare the BO. This may be subject to time extensions.



## ☆ Websites

**FEMA**  
[www.fema.gov](http://www.fema.gov)

**Fish and Wildlife  
Service**  
[endangered.fws.gov](http://endangered.fws.gov)

**National Marine  
Fisheries Service**  
[www.nmfs.noaa.gov](http://www.nmfs.noaa.gov)



IF YOU HAVE  
ANY QUESTIONS,  
CALL US AT:

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⚡ **Violations of the ESA can result in prosecution.**

⚡ **Failure to comply with ESA can result in deobligations of federal/state funding.**

